



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

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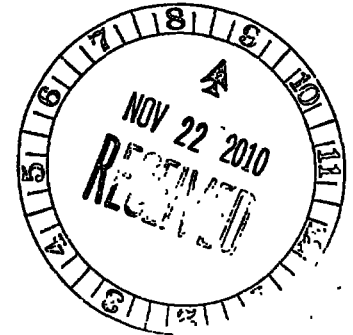
Pat Quinn, Governor

Marc Miller, Acting Director

November 4, 2010

The Honorable Anne Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

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**RE: STB Docket No. AB-33 (Sub-No. 262X) - - Union Pacific Railroad
Company ~ Abandonment and Discontinuance of the Elm Industrial
Lead in Fulton and Peoria Counties, IL**

Dear Secretary Quinlan:

FILING FEE WAIVER

On July 21st, 2008, the Illinois Department of Natural Resources filed a request for Public Use Condition and a request for Interim Trail Use Condition (NITU) for approximately 24.7 miles of railroad between milepost 461.5 near Middle Grove and milepost 486.2 at Molitor Junction, in Fulton and Peoria Counties. By order dated November 13, 2008, the Board granted the request to implement interim trail use and to permit public use negotiations as specifically set forth in the order, for a period of 180 days commencing from November 13, 2008, and ending on May 12, 2009. On May 9th, 2009, the Department filed a request for a 180 day extension, and by order dated May 11th, 2009, was so granted, extending the negotiating period from May 12th, 2009 to November 8th, 2009. On November 2nd, 2009, The Department filed a request for an additional 180 day extension, and by order dated November 24th, 2009, was so granted, thus extending the negotiating period from November 8th to May 10th, 2010. The Department filed a request for an additional 180 day extension, and by order dated May 17th, 2010, was so granted, thus extending the negotiating period from May 10th to November 12th, 2010.

The Department continues to work with local partner jurisdictions to compile specific information in efforts to satisfy our negotiating needs, and has been in direct contact with Union Pacific; however, we do not believe that the parties will be able to finalize negotiations by the end date of the order. Therefore, the Department respectfully requests the Board to grant a 180 day extension until May 13th, 2011, or such time so indicated by the Board.

Enclosed please find the original and ten (10) copies of this letter. Also, it is my understanding that the filing fee of \$450.00 is waived for State Agencies requesting extension of NITU negotiations as to STB Docket No. AB-33 (Sub-No. 262X) Union

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November 3, 2010
The Honorable Anne Quinlan
Surface Transportation Board
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Pacific Railroad Company. Please time and date stamp a copy of this letter and return it with the self-addressed stamped envelope.

We are also sending a copy to Union Pacific Railroad Company, by US Mail, postage prepaid, first class, on this 3rd day of November, 2010

Thank you for your consideration of this request. Please contact George Bellovics at 815-625-2968 should you have any questions or concerns.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Mitchell L. Cohen", with a stylized flourish at the end.

Mitchell L. Cohen
General Counsel

MLC:rb

Cc: Mack Shumate, General Attorney
Union Pacific Railroad
101 North Wacker Drive, Suite 1920
Chicago, IL 60606